

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

WILLIAM DILLARD TAYLOR
ADC #070160

PETITIONER

V.

NO. 5:02CV00247 JWC

LARRY NORRIS, Director,
Arkansas Department of Correction

RESPONDENT

ORDER

By judgment entered September 27, 2005 (docket entry #12), this 28 U.S.C. § 2254 petition for writ of habeas corpus was dismissed. Petitioner has filed a notice of appeal and request for certificate of appealability, requesting permission to proceed with an appeal to the Eighth Circuit Court of Appeals (docket entry #14).

Before a federal habeas petitioner may proceed with an appeal, he must seek and obtain a certificate of appealability (COA). 28 U.S.C. § 2253(c)(1); Fed. R. App. P. 22(b); Miller-El v. Cockrell, 537 U.S. 322, 335-36 (2003) (COA is jurisdictional prerequisite to an appeal. To be entitled to a COA, an applicant must make a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2). He is required to indicate which issues satisfy the showing. Id. § 2253(c)(3). A substantial showing is a demonstration that reasonable jurists could debate whether the petition should have been resolved in a different manner, or that the issues presented deserve further proceedings. Slack v. McDaniel, 529 U.S. 473, 483-84 (2000).

In the instant case, the Court found: (1) that Grounds 1 and 3 of Petitioner's petition were without merit; (2) that Grounds 2 and 4 were procedurally barred and that Petitioner had not demonstrated cause and prejudice, or actual innocence; and (3) that, alternatively,

Grounds 2 and 4 were without merit. This application makes no showing, much less a "substantial" showing, that reasonable jurists would differ as to this Court's rejection of the claims or that they are otherwise entitled to further review.

Accordingly, Petitioner's request for a certificate of appealability (docket entry #14) is DENIED. The Clerk of the Court is directed to forward this order, along with the file of this Court's proceedings, to the Eighth Circuit Court of Appeals in accordance with Fed. R. App. P. 22(b)(1).

IT IS SO ORDERED this 21st day of October, 2005.


UNITED STATES MAGISTRATE JUDGE